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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/299,745	04/27/99	OKAMOTO	T 500.37153X00

020457 WM02/0216  
ANTONELLI TERRY STOUT AND KRAUS  
SUITE 1800  
1300 NORTH SEVENTEENTH STREET  
ARLINGTON VA 22209

EXAMINER

ALTMAN, F

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 02/16/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



<b>Office Action Summary</b>	Application No. 09/299,745	Applicant(s) OKAMOTO ET AL.	
	Examiner Franklin D. Altman	Art Unit 2652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 30 January 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- |   |  |
|---|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other:  |

**DETAILED ACTION**

***Response to Amendment***

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 8, the phrase "disc-like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "-like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

1. Claims 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawamura et al (U.S. Patent 5,764,622).

Art Unit: 2652

As per claim 8:

Kawamura et al disclose a disc cartridge (1) for receiving a disc (2) therewithin, including:

The disc (2) being insertable and removable from the disc cartridge (1), the disc cartridge (1) having an insertion and removal port opening (13) and closing member (16); and

The disc insertion and removal port opening (13) and closing member (16) being moved from (Figure 6c) the disc cartridge (1) when taking out the disc (2),

Wherein the disk cartridge (1) has a locking member (18) for locking the insertion and removal port opening (13) and closing member (16), and

Wherein at least a part of a locking cancellation preventing member (14) prevents the locking member (18) from moving for canceling the locking is arranged at a moving path (Figure 6c) for the locking member (18) along which the locking member (18) is required to move so as to cancel the locking.

As per claim 9:

Kawamura et al additionally disclose wherein the locking cancellation preventing member (14) is irreversibly displaced (inherent from “sealed position....never having been removed”, column 4, lines 2-4 and “user cuts the connectors 15”, column 4, lines 6-7) out of the moving path and the locking is canceled by moving the locking member (18).

As per claim 10:

Kawamura et al additionally disclose wherein the locking cancellation preventing member is displaced (“removed”, column 4, line 8) out of the moving path and the locking is canceled by moving the locking member (18).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mizutani et al (U.S. Patent 5,946,290) and Tanaka (U.S. Patent 5,796,713) disclose cartridges with locking members.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Franklin D. Altman whose telephone number is (703) 305-7494. The examiner can normally be reached on mon-fri, 6:30 am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen, can be reached at (703) 305-9687.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-9051 for formal communications or (703) 305-7201 for informal communications, which should be so designated.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Franklin D. Altman, III



DAVID L. OMETZ  
PRIMARY EXAMINER